

CDBG and the Section 106 review process

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History Nebraska

Purpose of Section 106 Review

- Requires federal agencies to consider the projects they carry out, approve, or fund, and the projects' effects on historic properties.
- Members of the public have a voice when federal actions may affect properties that qualify for the National Register of Historic Places
- Section 106 review encourages but *does not mandate* preservation.

Four Step Process (in theory)

1. Initiation of Section 106 Review
2. Identification of Historic Properties
3. Assessment of Effects to Historic Properties
4. Resolution of Adverse Effects

Determine if there is an Undertaking

An Undertaking is any activity that is likely to have an effect on historic properties.

CDBG projects that we often review:

- **Downtown Revitalization** – historic restoration, ADA, façade improvements, signage, etc.
- **Owner Occupied Rehabilitation** – rehabilitation of residences
- **Public Works** – sewer and infrastructure improvements, libraries, parks, ADA
- **Water/Wastewater** – publicly owned water system improvements

How do we know if something is “historic”?

For our purposes, “historic” means eligible for listing (or listed) in the National Register of Historic Places.

1. Age: Must be fifty years old or older
2. Significance: Must tell a story that is significant in American history or about a person significant to our history, have architectural significance, OR be likely to teach us something in the future (archeology)
3. Historic Integrity: Must be able to convey its significance by looking much as it did historically.

Historic Integrity – before and after examples



Historic Integrity – before and after examples



1908



1940

Historic Integrity – before and after examples



- The building in 2008.

Questions so far?

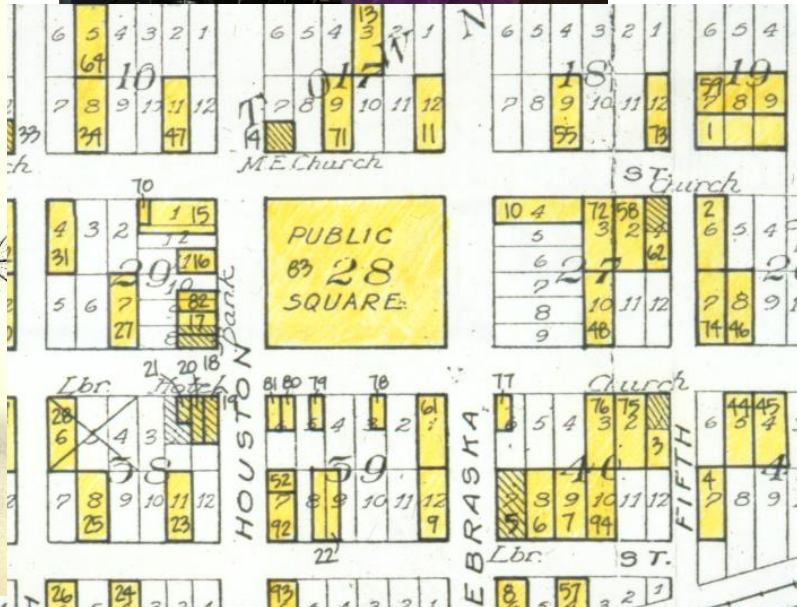
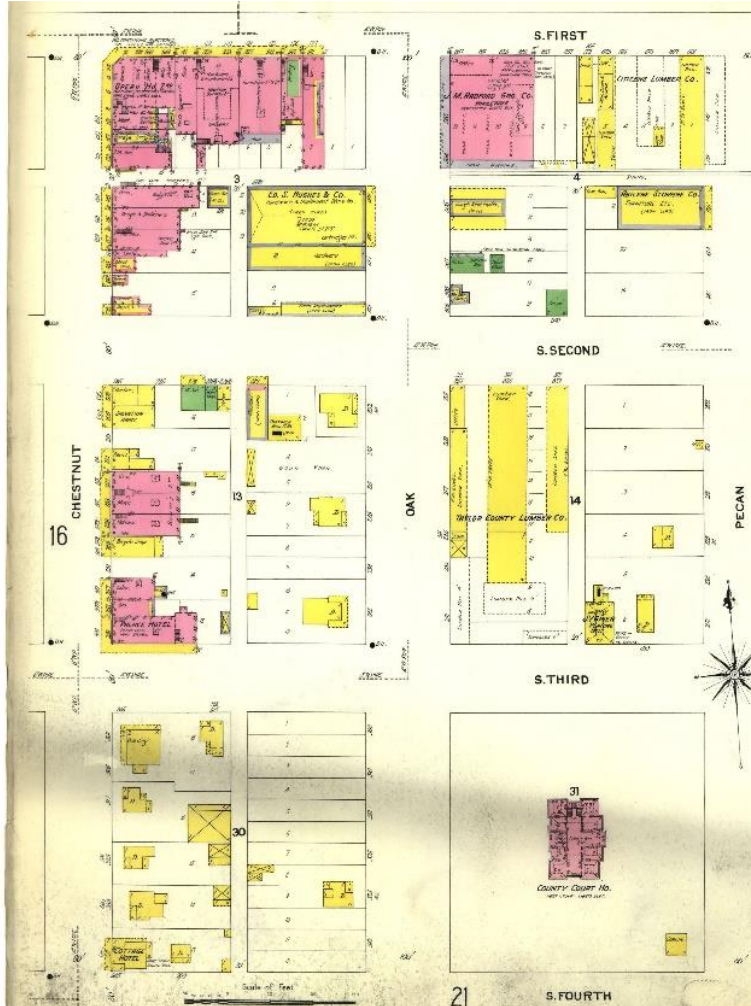
What do we consider?



For DTR projects:

- Is the property in a historic district? If yes, does it contribute to the district? If not, is it individually eligible or listed?
- Does it still retain its historic integrity? Does it have original windows? Cast iron storefronts? Original doors, masonry, etc.?

Communicating with SHPO early and often



- Get advanced warning of whether properties are listed in the NRHP or eligible for listing
- Pick our brains about potential issues we can foresee
- Avoid needless waste of time or resources if the project has to backtrack over decisions made in haste

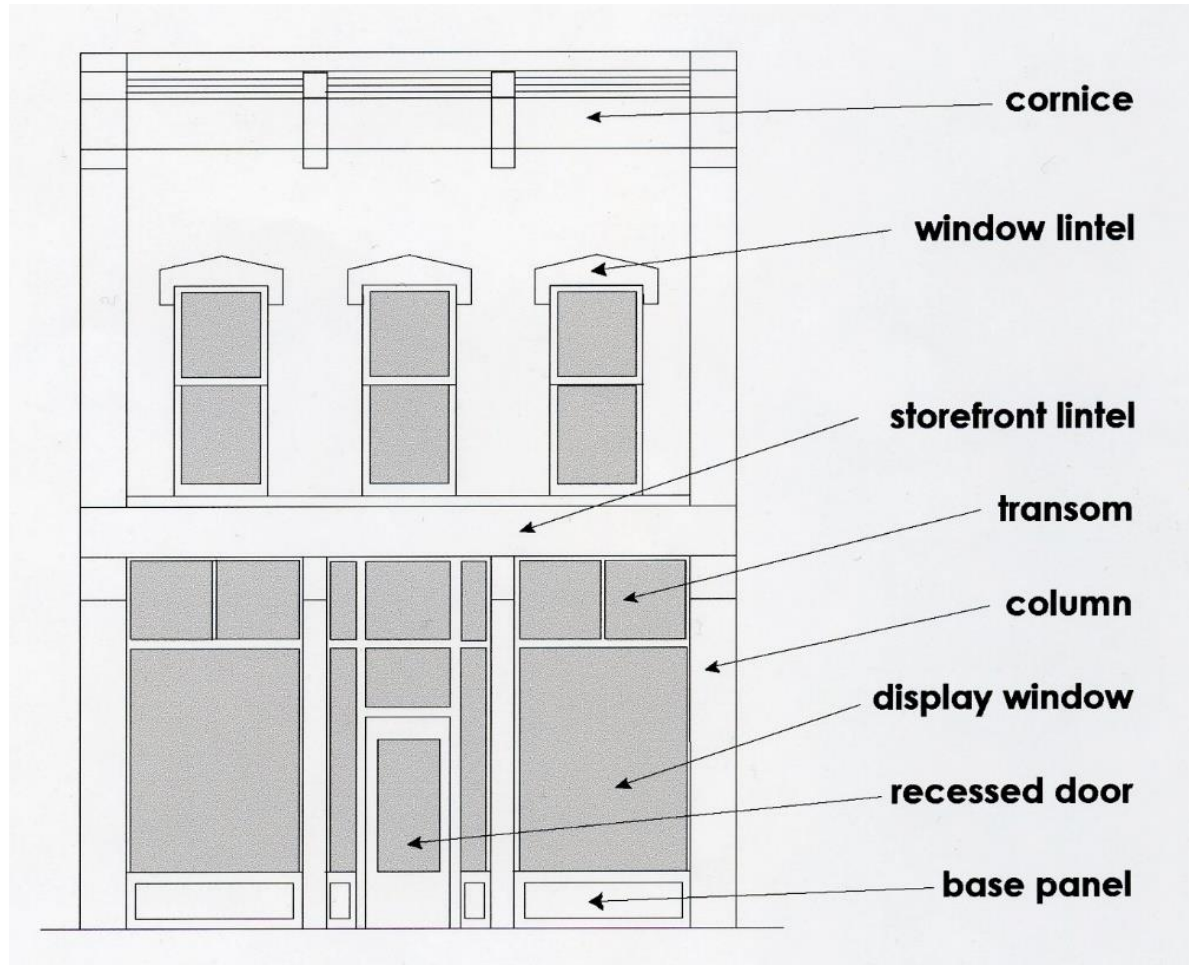
Cities with Commercial HISTORIC DISTRICTS

Alliance	Kearney
Auburn	Lincoln
Beatrice	Nebraska City
Broken Bow	Neligh
Chadron	Omaha
Columbus	Pawnee City
Cozad	Plattsmouth
Crete	Ponca
Fairbury	Red Cloud
Falls City	Schuyler
Fremont	Seward
Grand Island	Sidney
Grant	Steele City
Hartington	Superior
Hastings	Tecumseh
Hooper	Unadilla
Humboldt	Wayne

1,750+ Contributing Buildings



Anatomy of a Commercial Building



- For the typical 1880-1910 historic building, this is the form they take, more or less.
- We look for original materials in the windows and storefronts, but we are not surprised when they have been altered.

Alterations can become historic too!
- If historic materials are still there, we are going to push to see them retained.

Examples of historic storefronts



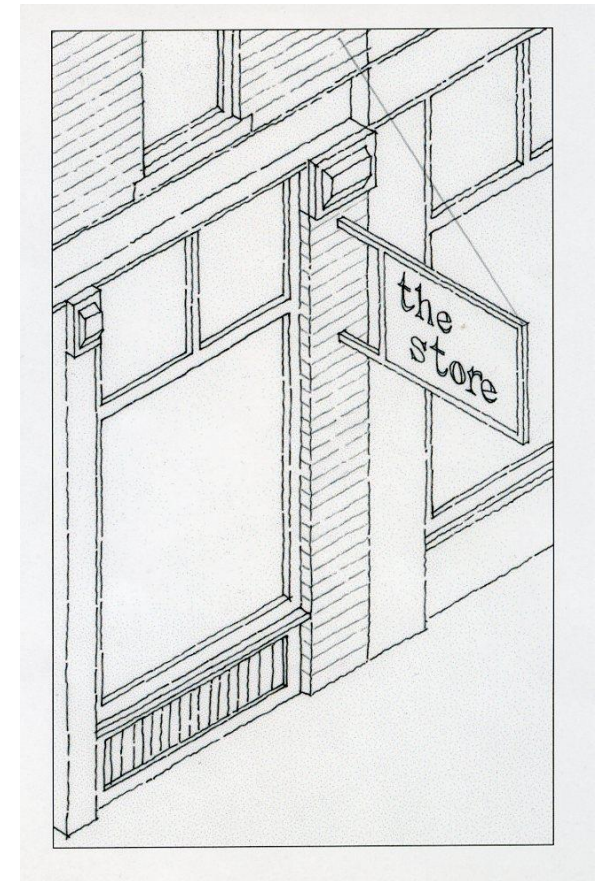
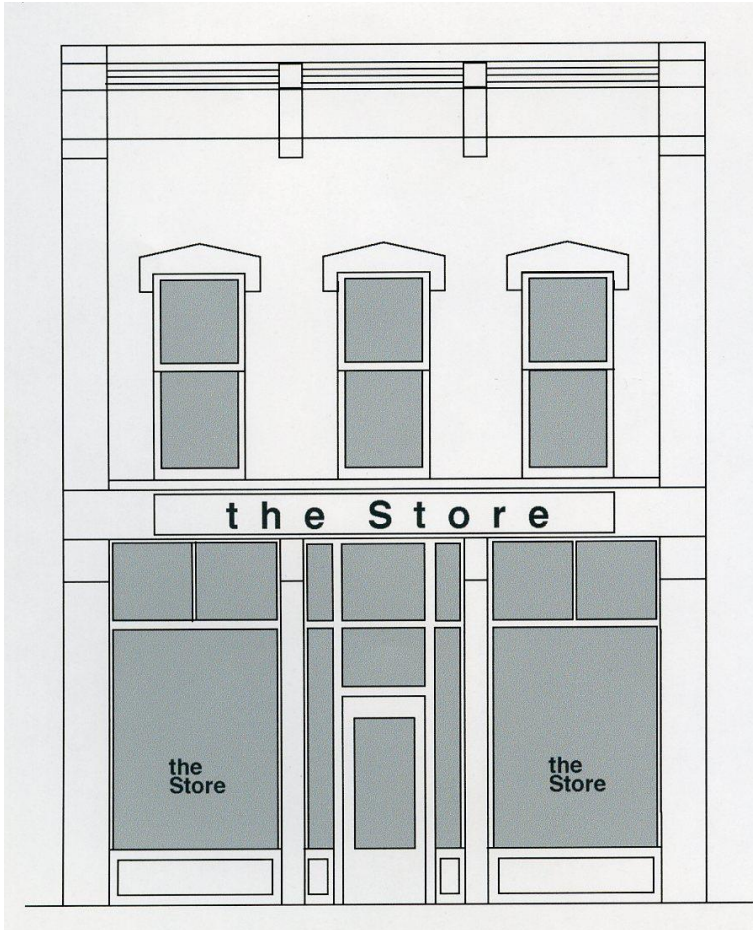
Examples of Historic Alterations



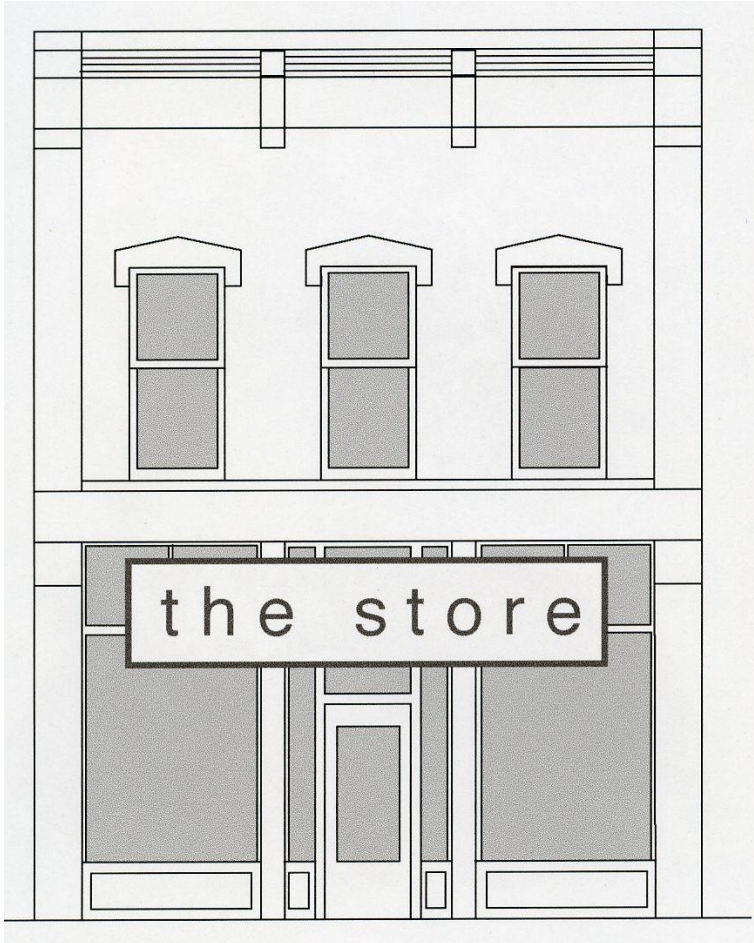
Secretary of the Interior's *Standards for the Rehabilitation of Historic Properties*

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

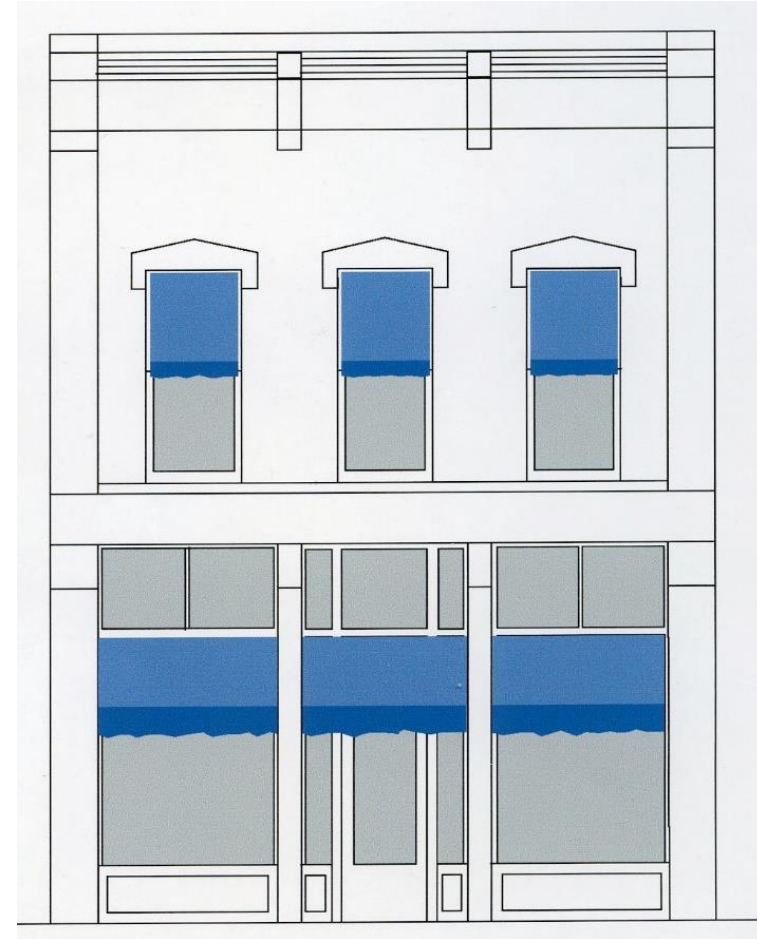
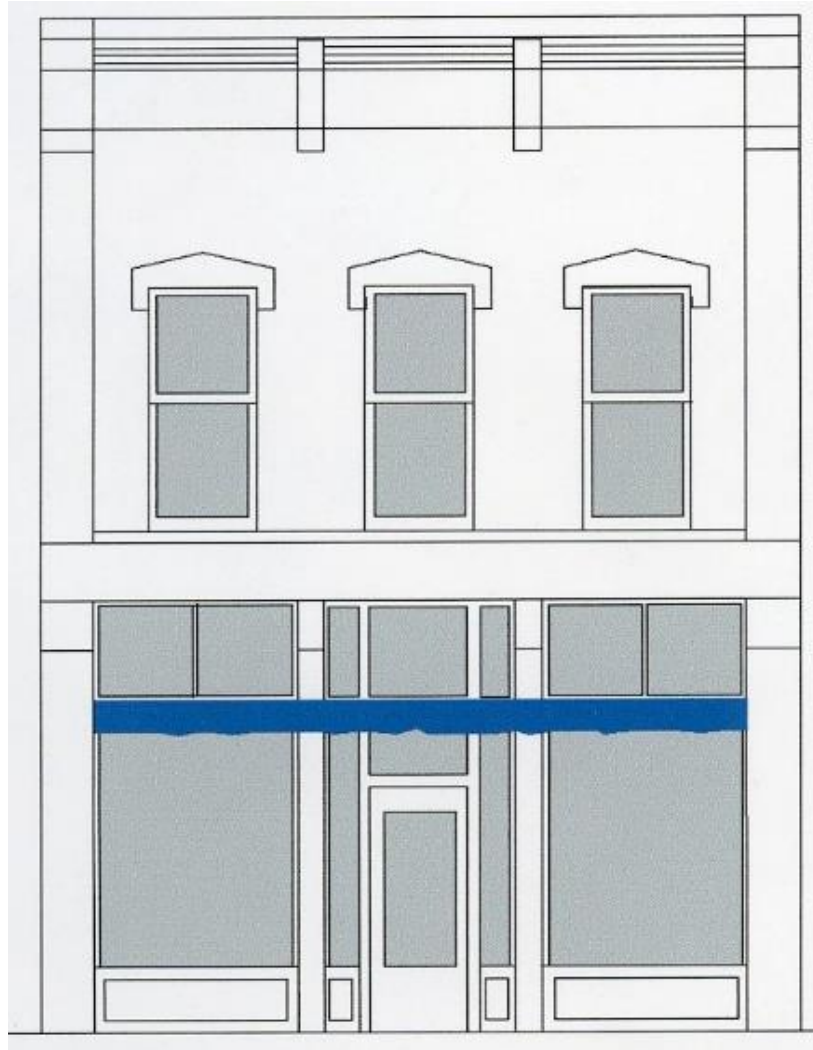
Common Façade Projects: Signage



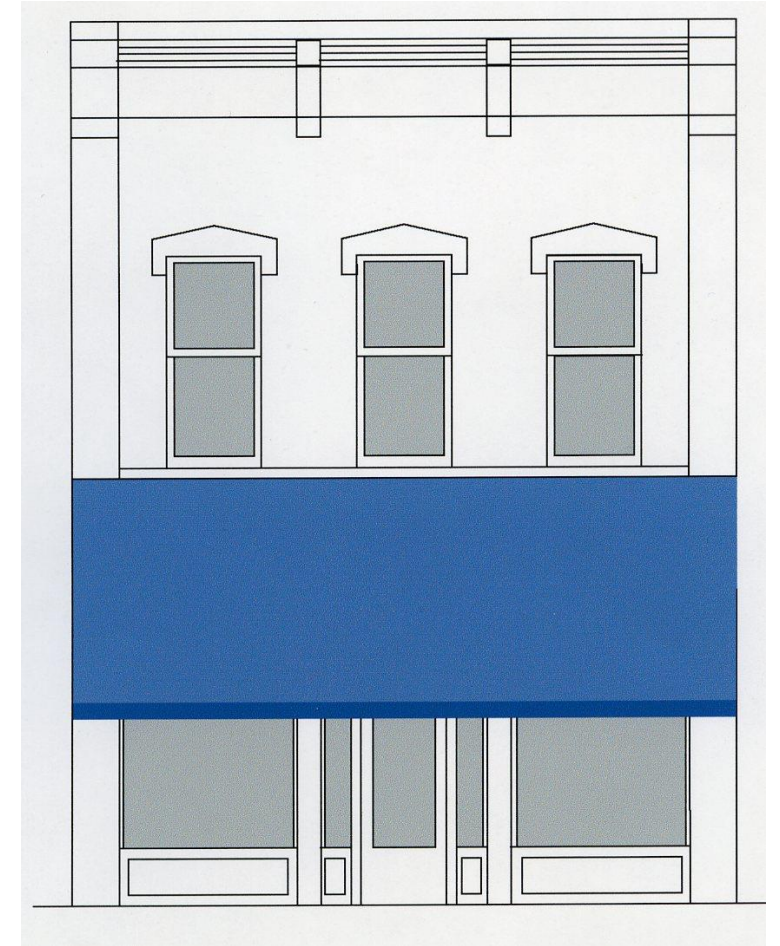
Inappropriate Signage



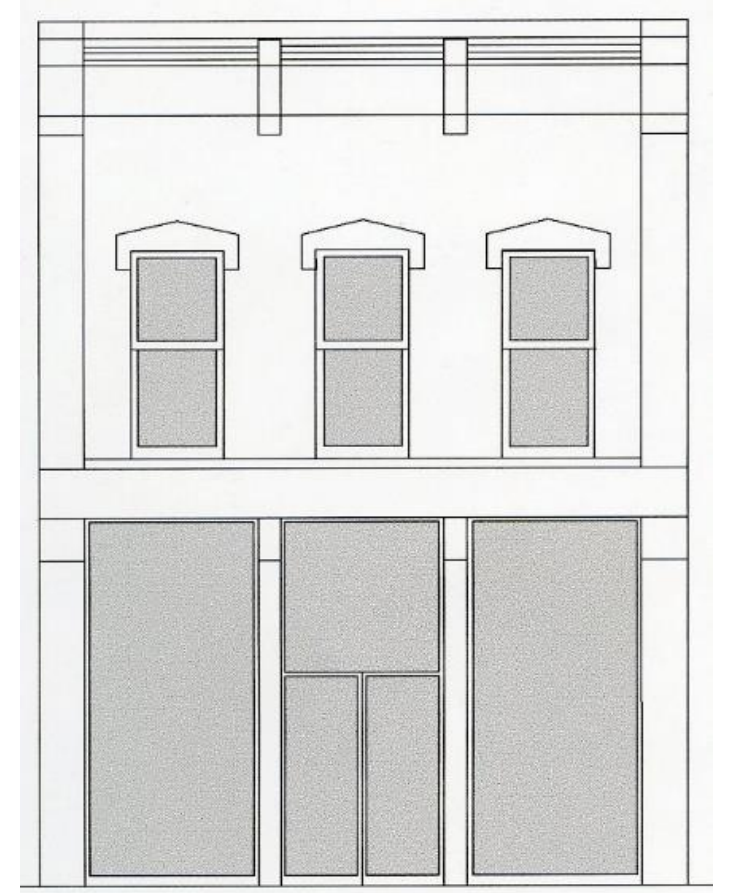
Common Façade Projects: Awnings



Inappropriate Awnings



Inappropriate Storefront Changes



Inappropriate Window Alterations



- Closed up windows on upper story
- Missing lintels
- Windows too small for their openings
- Slip covers on upper stories

We get excited about any project that reverses these alterations!

Paint Schemes



Avoid painting a brick or stone façade that is not already painted.

Neutral colors and slightly contrasting colors are often best, but we do not get very involved in paint color.

Research & Understand Your Building

Understand Building Character - Exterior

- Architectural Style
- Windows
- Storefront
- Transom
- Ornament
- Canopies & awnings
- Are alterations significant?



Questions so far?

What do we consider?



- For OOR projects:
 - Is the property in a historic district? If yes, does it contribute to the district? If not, is it individually eligible or listed?
 - Does it still retain its historic integrity? Does it have original windows? Original doors, siding, etc.? Porch enclosed or original?

Historic Integrity – before and after examples



Historic Integrity – before and after examples



Cities with Residential **HISTORIC DISTRICTS**

Beatrice
Brownville
Fremont
Hastings
Lincoln
Nebraska City
Omaha
Red Cloud
Tecumseh
Weeping Water



Small Project Example



Is it an Undertaking?

Yes, weatherization program under Dept. of Energy.

Is it a Historic Property?

No. Might be old, but it is sided and if it had historical details, they are gone.

We sign off on 95% of the houses that are sent to us for review.

What do we consider?

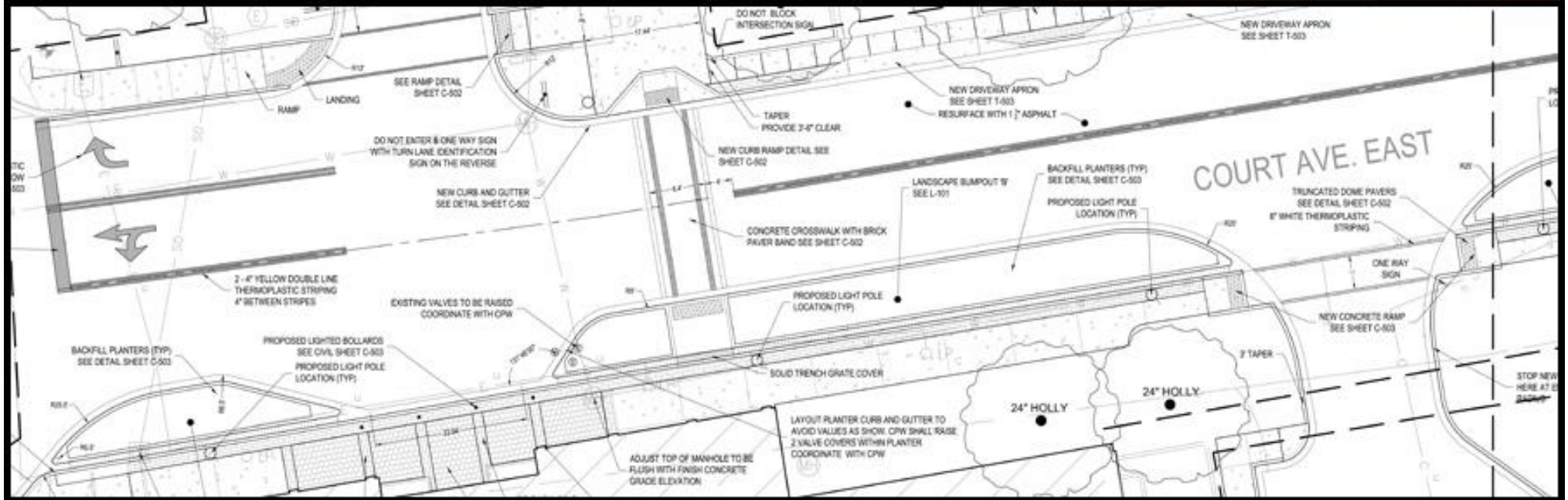


Landscape/Furniture Zone

Pedestrian Zone

Frontage Zone

- For infrastructure or public works:
 - Is the project in a historic district or potential historic district?
 - Are there historic features of the streetscape that will be impacted by the project? For instance, are there brick streets?
 - Are there plans for historic or period street lighting?



What do we consider?



For Water & Wastewater Projects:

- Is this an improvement to existing system, or new construction?
- If new, will it be constructed on land that has never been developed before?
- May require archeological survey to ensure that buried cultural artifacts will not be affected.



Consultation with THPOs

- In addition to consulting with SHPOs, consultation must also occur with the Tribal Historic Preservation Officers of Tribes that have an interest in Nebraska.
- This is particularly true for projects where earth will be moved.
- But remember that Tribes are sovereign entities, and communication with them should be done on a government to government basis. Have the letter come from an elected official.
- Both THPOs and SHPOs have thirty days to respond to you.

Questions so far?

Initiation of Section 106 Review

Section 106 Project Form
Individual Standing Structures

Nebraska State Historic Preservation Office
1500 R Street, Lincoln, NE 68508
Phone: 402-471-2600
Fax: 402-471-2601
Email: HN.HP@Nebraska.gov

Project Name: [Blank]
Location: [Blank]
Federal Agency or Designer: [Blank]
Contact Person: [Blank]
Project Description: [Blank]
Structures (rehabilitation, demolition, additions to or construction near existing structures): [Blank]
Photographs: [Blank]
NESHPO Use Only: [Blank]

- Federal agency (or designee) submits a request for review to our office.
- Could use our form, or you could also send us a form letter with photographs of the property.
- Can be emailed to HN.HP@Nebraska.gov or mailed to 1500 R Street, Lincoln, NE 68508

COMMUNICATE WITH SHPO EARLY AND OFTEN!

Filing Tips for CDBG requests for review

- Fill out one form for each individual property and include at least one or two current photographs.
- If your project involves something bigger, like new sidewalks and bump outs downtown or a new wastewater plant, you can still use one form, but may have to include more supporting documentation like plans, maps, drawings and/or photos.
- For DTR projects, you could invite us to come meet with property owners that are considering the program individually to discuss their plans for their building.
- Projects could be combined with state and federal tax credit programs for the rehabilitation of historic properties, depending on if a property is listed and if the project is big enough to meet financial thresholds. Also must be up for a more intensive review of the work.

The image shows a Nebraska SHPO CDBG Request for Review form. The form is titled "Nebraska SHPO CDBG Request for Review" and includes sections for "Project Description", "Structures (inhabitation, demolition, additions to or construction near existing structures)", "Photographs", and "NEHPO USE ONLY". The "NEHPO USE ONLY" section contains checkboxes for "No Historic Properties in the area of potential effect", "The project will have No Effect on historic properties", "The project will have No Adverse Effect on historic properties", "The project will have No Adverse Effect with Conditions (see attached)", "The project will have Adverse Effects on historic properties (see attached)", and "The SHPO requests additional information (see attached)". The form is filled out with handwritten information, including "Project Description" and "Structures".

106 Process for these kinds of reviews

1. Initiation of Process with submittal of official form or letter.
2. SHPO determines if the property is listed individually, in a historic district, or eligible for listing. If not eligible, project gets a quick “**No Historic Properties Affected**” sign off.
3. If yes, we study the project plans and try to anticipate their effects on historic properties, using the Secretary of the Interior’s *Standards for the Treatment of Historic Properties*.
4. If the project will not have an effect on the property’s historic character or materials, then the project gets a “**No Adverse Effect**” finding. Examples: new roof, new HVAC, insulation in attic, etc.

106 Process for these kinds of reviews

5. If the project is likely to have an effect on the building's historic appearance, we try to suggest alternatives and find compromise in order to reach a No Adverse Effect finding. Example: Repair windows rather than replace, etc.
6. If there is no avoiding the Adverse Effect, we may have to find a way to mitigate the adverse effect.

Memorandum of Agreement filed with the Advisory Council on Historic Preservation

Adverse Effects to Historic Properties

- **Examples Adverse Effects:** physical destruction or damage, alteration, moving to a new location



Resolution of Adverse Effects

- SHPO and designee consult “to develop and evaluate alternatives or modifications that could AVOID, MINIMIZE or MITIGATE adverse effects.
- Consider Alternatives. Could windows be repaired rather than replaced? Is there a more suitable material that looks like the historic materials?
- Resolution may include finding some creative way to do something for the public benefit if nothing else.
- **Resolution agreed upon?** Write a Memorandum of Agreement (MOA) or Programmatic Agreement (PA) to document what each player is going to be responsible for and file with the ACHP.

Assessment of Effects to Historic Properties - Practice

Example: NRHP-Listed Washington County Courthouse was damaged by hail.

The pressed tin panels were damaged and required replacement.

Plans called for each individual panel to be replaced in kind with the same material, fixing a drainage problem that weakened the originals.

No Historic Properties Affected, Adverse Effect or No Adverse Effect?



Assessment of Effects to Historic Properties - Practice

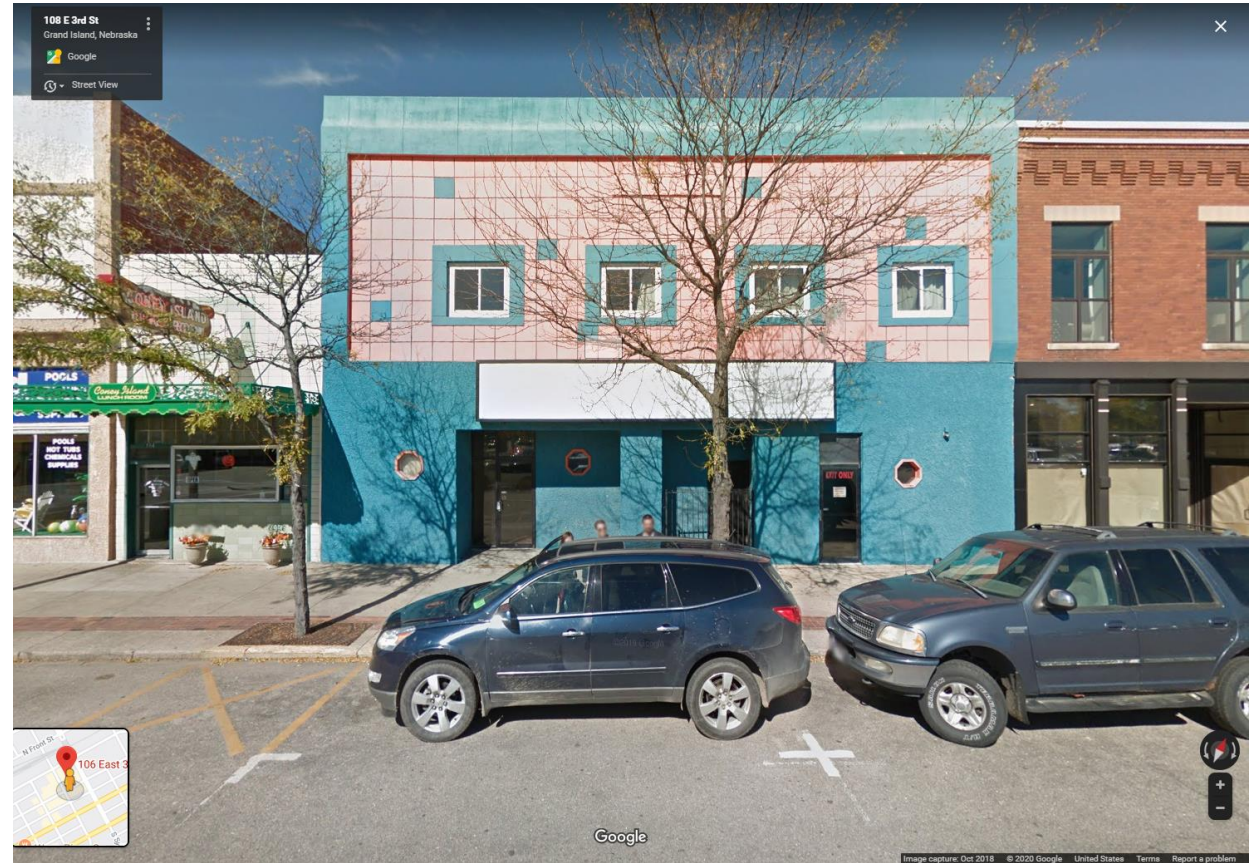


- The Rulo Missouri River Bridge was listed in the National Register of Historic Places
- Had to be replaced for safety concerns
- Negotiated an MOA that stipulated among other things that the bridge would be “recorded” with measured drawings and thorough photographs to document what it looked like prior to removal.

Assessment of Effects to Historic Properties - Practice

Example: Former night club/bar with bad reputation and altered appearance was planned to become a new bank branch.

They didn't know that the building was listed as part of a historic district or that Section 106 applied.



Assessment of Effects to Historic Properties - Practice

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By the time SHPO was contacted, they had already torn off the front of the building, which is technically an adverse effect.

We couldn't change their plans this far in, but we could mitigate creatively.



Assessment of Effects to Historic Properties - Practice

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We agreed that Pinnacle Bank would help fund the creation and installation of wayfinding markers for the Railside District.



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